

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDRA JIMENEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 21-CV-2030 (KMK)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Sandra Jimenez (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”), which denied her son’s application for child Supplemental Security Income (“SSI”). (Dkt. No. 1.) The Commissioner moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, (Dkt. No. 21), and Plaintiff cross-moved for judgment on the pleadings, (Dkt. No. 33).

The case was referred to the Honorable Andrew E. Krause (“Judge Krause”). On August 18, 2022, Judge Krause issued a Report and Recommendation (“R&R”) recommending that the Plaintiff’s Motion be granted in part and denied in part, Defendant’s Motion be denied, that the case be remanded for further administrative proceedings pursuant to 42 U.S.C. § 405(g), and that judgment be entered in favor of Plaintiff. (Dkt. No. 40.) The parties did not file any objections to the R&R.¹

When no objections are filed, the Court reviews an R&R on a dispositive motion for

¹ Judge Krause provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 34.)

clear error. *See Brito v. Comm'r of Soc. Sec.*, No. 19-CV-10631, 2022 WL 1002698, at *1 (S.D.N.Y. Mar. 30, 2022); *Bickram v. Comm'r of Soc. Sec.*, No. 18-CV-1160, 2021 WL 2665876, at *1 (S.D.N.Y. June 29, 2021); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010). The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated August 18, 2022, is ADOPTED in its entirety.

ORDERED that the Defendant's Motion for Judgment on the Pleadings is denied.

ORDERED that Plaintiff's Cross-Motion for Judgment on the Pleadings is granted in part and denied in part, consistent with the Report and Recommendation.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 21, 33), and close this case.

SO ORDERED.

DATED: September 6, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the signature.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE